

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: *Fewer v. Fewer*, 2016 NSSC 244

Date: 20160921
Docket: 1201-066485
Registry: Halifax

Between:

Karen Ann Fewer

Petitioner

v.

Fabian Aloysius Fewer

Respondent

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Judge: The Honourable Justice Beryl MacDonald

Heard: August 2 and 9, 2016, Halifax Nova Scotia

Keywords: Family, Variation, Entitlement and Quantum for Child Support and Spousal Support, Imputing Income, Third Party Insurer Direct Payments

Legislation: *The Divorce Act*, R.S., 1985, c.3 s.17
Federal Child Support Guidelines, s.3, s.9

Summary:

The parties had been in a relationship for 27 years. The Respondent had not been employed independently since 1996 and relied on the Petitioner for financial support. The Petitioner suffered a substantial reduction in income because of illness. A third party insurer provided direct payment to cover the Petitioner's mortgage and line of credit. The Respondent had recently purchased a business from which he could earn a yearly income of \$60,000.00. One child was attending university but did not live with either parent. Another child was in a shared parenting arrangement.

Payments made by the third party insurer directly to the petitioner's bank to pay her mortgage and line of credit are not income for the calculation of child and spousal support. The Respondent was entitled to spousal support but his income was imputed to be \$60,000.00 annually. The parents were to share the section 7 expenses for the child in university proportional to their incomes. They were to

use the set off to calculate child support for the child in the shared parenting arrangement.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***